

Notice of Allowability

Application No.

09/621,138

Examiner

A. Dexter Tugbang

Applicant(s)

SAITO ET AL.

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Corrected Appeal Brief, filed 3/25/04.
2. ☒ The allowed claim(s) is/are 7-9.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/661,085.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

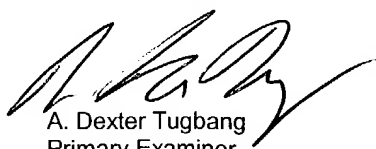
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11/15/01.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


A. Dexter Tugbang
Primary Examiner
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REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance.

The prior art does not teach all of the limitations of the claimed invention including the structure of the base plate with the fixing-side clamping portion attached to the base plate and the guide rail attached to the base plate.

After reconsideration by the examiner, the applicants' arguments filed in the corrected appeal brief (filed 3/25/04), particularly noting pages 4-6, have been found to be persuasive and are fully incorporated by reference herein.

The examiner further notes that Helm (as applied in the Final Rejection), does not satisfies the structural limitations of the claimed "base plate" as required by Claims 7 and 9. Reading the claims in light of the specification, the "base plate" is defined by the applicants' as element 61 in their Figure 15 in which the "base plate" is clearly shown to be one, single piece, of material that is *not hollow*, or is *formed without any openings*. With this single piece of material of the base plate, are attached the fixing-side clamping portion and the guide rail.

In Helm, the claimed "base plate" was read as guide rail 34. This guide rail 34 of Helm is integrally formed with guide rail 32 with a hollow opening formed between each (as shown in Helm's Fig. 4). The fixing-side clamping portion 56 and guide rail 186 are attached to the base plate 34 through the hollow opening and guide rail 32. Because of this hollow opening formed between the guide rails 32, 34 is structurally required by Helm, *there is no single piece of material defining a "base plate"* in Helm in which the fixing-side clamping portion and guide rail are attached.

The examiner further notes that it is well known in the art to have base plates formed of a single piece of material. Kurihara (cited U. S. Patent 5,901,438) and Thone et al (cited U. S. Patent 2,835,283) each show base plates formed of a single piece of material to at least support wires. However, neither one of these references teach a movable side clamping portion slidably arranged with the guide rail that moves towards the fixing-side clamping portion to compress the wire harness and loosen the wires.

Furthermore, to modify the base plate of Helm by forming the base plate into a single piece of material, would destroy the invention of Helm. Helm requires the structure of the hollow openings to be formed between the base plate material of guide rails 32, 34 to support the function of the fixing-side clamping portion 56 and to form this base plate material into a one, single, piece of material would destroy this function, as well as the invention of Helm in its entirety.

In summary and for the reasons discussed above, the previous rejection is withdrawn by the examiner and accordingly, Claims 7-9 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. New corrected drawings and/or substitute sheets are required in this application because a substitute sheet is required for Figure 15, which was amended by the applicants and filed on 11/15/01. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The

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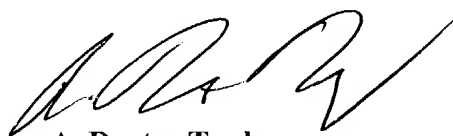
corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 703-308-7599.

The examiner can normally be reached on Monday - Friday 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Dexter Tugbang
Primary Examiner
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April 30, 2004